



BUILDING AND STANDARDS COMMISSION MINUTES

**REGULAR MEETING
Wednesday, February 26, 2014**

The Building and Standards Commission convened in a regular meeting on Wednesday, February 26, 2014 at City Hall, in the Boards and Commission Room, 301 West 2nd Street, Austin, Texas.

Madam Chair, Ethelynn Beebe called the Commission Meeting to order at 6:35 p.m.

Commission Members in Attendance:

Ethelynn Beebe, Chair; Charles Cloutman; Daniel Gonzalez; Tim Hill; Vice-chair David Brown; Stacy Kaplowitz; Steven Alloway

Staff in Attendance:

Christopher Moore - Building & Standards Commission Coordinator; Patricia Link - Assistant City Attorney; Carl Smart - Director Code Compliance Department; Daniel Cardenas - Assistant Director; Robert Ortiz - Code Compliance Inspector; Michael Harrington - Code Compliance Inspector; Michael Marquez - Code Compliance Inspector; Luis Leos - Code Compliance Inspector; Mario Ramos - Code Compliance Inspector; John Hale - Code Compliance Inspector; Robert Alvarado - Assistant Division Manager; Anthony McBride - [inaudible]; Inspector; Jerry Reynolds - Assistant Division Manager; Candice Cooper - Public Information Marketing Manager; Merlinda Coleman - Program Specialist; Matthew Noriega - Code Compliance Inspector; Michael Dial - Code Compliance Inspector.

1. CITIZEN COMMUNICATION: GENERAL

- a. Stuart Hersh regarding resolution passed by City Council on October 3 where the City Council initiated a code amendment for expedited permit authorizing repairs to alleviate substandard and dangerous conditions and directs the City Manager to process the code amendment, and directing the City Manager to utilize the Building and Standards Commission to fullest extent possible. He has appeared at the Planning Commission and the Building and Fire Code Board and now at the commission to remind everyone that the code amendment has not proceeded forward in the five months since it was passed. No city department has assumed responsibility for scheduling the amendments on the Commission. Requests the Commission consider this topic for a future agenda.

2. PUBLIC HEARINGS

a. New Cases

- i. **5102 Beverly Hills Drive; Michael Killebrew
CL # 2014-009816**

5102 Beverly Hills Drive is single-family structure. The case was represented by Mike Killebrew, owner.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through

25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions. There is an agreed order on file which was discussed by the Commission.

Staff recommended the following to the Commission: the Commission adopt the recommended agreed order, the Findings of Fact and Conclusions of Law; order any necessary permits be secured; order repair within 45 days from the order is mailed to the owner; order all repairs or modifications to meet or exceed the requirements of all applicable codes; order the property to remain vacant until all repairs are complete; order the owner, or owner's designee, shall request inspection to verify compliance; and that after 45 days, a penalty of \$10 per violation per day shall be assessed until work is completed and final inspections passed.

A motion was made by Vice-chair Brown and seconded by Commissioner Tim Hill to accept the Findings of Facts and Conclusions of Law. Vote was taken; motion passed unanimously.

**ii. 2503 Coatbridge Drive; Nita K. Wathen
CL # 2014-013706**

2503 Coatbridge Drive is a single-family structure. The case was represented by Nita K. Wathen, owner.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions. Detective Michael Monroe of the Austin Police Department Nuisance Abatement Unit also provided information that APD currently has regarding the property.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law; order any necessary permits to be secured; order the owner, or owner's designee, shall complete all repairs described, including restoration of hot water and electricity within 30 days of the date the order is mailed to the owner; all repairs shall meet or exceed the requirements of all applicable codes; the owner or owner's designee shall request inspection to verify compliance; after 30 days a penalty of \$10 per violation per day shall be assessed until work is completed with final inspections passed; if repairs described in subparagraph 2 are not completed within 30 days, the occupants of the single-family structure shall vacate, relocate, and secure the structure within 72 hours of the 31st day after the order is mailed; order the structure to remain vacant and secured until compliance is achieved; if the single-family structure and premise is not vacated, this order hereby authorizes any peace officer of the state, including a sheriff or constable, or designee of the Austin Chief of Police to enforce and carry out this order.

A motion was made by Commissioner Hill to accept staff's recommended Findings of Fact and Conclusions of Law and order. Commissioner Cloutman offered a friendly amendment that the property must be vacated by March 4. Commissioner Hill accepted the friendly amendment. Vote was taken on the amendment, which passed unanimously. Vote on the motion was taken, which passed unanimously.

**iii. 907 Congress Avenue; Dalton H. Wallace
CL # 2014-013702
909 Congress Avenue; Dalton H. Wallace
CL # 2014-013703
911 Congress Avenue; Dalton H. Wallace
CL # 2014-013699**

The cases for the properties at 907, 909 and 911 Congress Avenue were heard by the Historic Land Commission Monday night. The Historic Land Commission has jurisdiction over the property and has issued an order for demolition for neglect.

**iv. 5904 Harold Court; David & Donald Moore
CL # 2014-013778**

The case was first presented to the Commission in 2006. At that time an order for repair with civil penalties was issued by the Commission. Repairs to the structure never took place, and the order is outstanding with penalties accruing. To date penalties are in excess of \$95,000.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law; order civil penalties in the amount of \$95,500 to be paid; demolition permits to be secured; all portions of the single-family residence structure located on the property to be demolished, removed, and the lot left in a cleaned and raked condition within 30 days of the date this order is mailed to the owner; the owner or owner's representative shall request inspection to verify compliance; if compliance is not achieved within 30 days, the code official may proceed with the demolition; after 30 days, all portions of the single-family residential structure, including items in the structure and on the property will be considered debris and disposed of as such; and a lien for all expenses incurred by the City of Austin will be filed and recorded with the Travis County deed records.

Discussion was had among the Commissioners concerning the staff's recommendations. Commissioner Charles Cloutman suggested discussion to lower the fine to \$25,000. Further discussion ensued. Motion failed.

Commissioner Daniel Gonzalez made a motion and Commissioner Charles Cloutman seconded to accept staff's recommended order and Findings of Facts and to cut the penalty in half. Discussion ensued. Vote was taken by show of hands; three for, four against.

Commissioner Steven Alloway made a motion and Commissioner David Hill seconded to accept staff's recommended order and Findings of Facts. Vote was taken by show of hands: six for; one against.

**v. 615 W. O'Dell Street; Bill McDonnel
CL # 2014-013038**

615 W. O'Dell Street is a single-family structure. It is not represented.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law for this property; order a demolition permit to be secured; all portions of the single-family residential structure located on the property to be demolished, removed and the lot left in a cleaned and raked condition within 30 days of the date this order is mailed to the owner; the owner or owner's representative shall request inspection to verify

compliance; if compliance is not achieved within 30 days, the code official may proceed with the demolition; after the 30 days all portions of the single-family residential structure, including items in the structure and on the property will be considered debris and disposed as such; and a lien for all expenses incurred by the City of Austin will be filed and recorded with the Travis County deed records.

A motion was made by Vice-chair Brown to accept staff's Findings of Fact and Conclusions of Law and recommended order. Commissioner Gonzalez seconded. Vote was taken; motion passed unanimously.

**vi. 6470 (aka 6472) Hart Lane; Amy Lindsey Joynt
CL # 2014-009817**

Staff requested this case be postponed as the property owner has made efforts to come into compliance. Staff will bring the case back at March 26 meeting if there's a need for it.

3. STAFF BRIEFINGS

- a. Presentation by staff: conflicts between bylaws, rules and regulations. Staff requested this be postponed until the next meeting.

4. OLD BUSINESS

a. Update - 4911 Finley Drive

A follow-up inspection was conducted at the property. The decking in the rear of the dwelling has been removed; the yard has been mowed and trash and debris removed from the front and rear of the yard; the new owner has obtained necessary permits for the demolition of a portion of the property and a permit for the removal of a dying tree in the front of the dwelling; he's also assisted former owner with removal of the items within the home.

b. Update - 8001 State HY 71 (Settlers Creek Apartments)

The Commission had issued an order for the 10 structures on the property to be repaired with final inspections passed within 60 days of the date was mailed to the owner; that all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner, or owner's representative, shall request inspection to verify compliance; after 60 days a penalty of \$1,000 per day per building shall be assessed until work is completed with final inspections passed.

A follow-up inspection was made on the property. All repairs cited at Building A, B and C have been completed; Building D and E have active construction occurring, and no apparent work has taken place on the remaining buildings, Buildings F, G, H, I, J and K.

5. FUTURE AGENDA ITEMS

- a. Commissioner Kaplowitz suggested having a conversation about how the Commission might be able to work with the City's Commission on Aging or find ways to combine resources to help alleviate the case load. Madam Chair Beebe requested staff to look into the situation and look at what would be an appropriate opportunity for the Commission to discuss the matter further and to bring back suggestions for moving forward on the issue.
- b. Stuart Hersh had requested that the City Council resolution on permitting be placed on a future agenda item. Staff is recommended to present on this topic, and to include Mr. Guernsey be present to address the status of Council actions and thinking on the topic.

6. APPROVAL OF MINUTES

- a. Commissioner Tim Hill made a motion to approve the minutes of the January 22, 2014 Commission meeting. Commissioner Kaplowitz seconded. Vote was taken; the motion was passed unanimously.

7. ADJOURNMENT

Madam Chair Beebe adjourned the Commission hearing without objection at 9:36 p.m.